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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ALASKA

10 CAROLYN MITCHELL,)
11 Plaintiff,)
12 vs.)
13)
14 ANCHORAGE POLICE DEPARTMENT and the)
15 MUNICIPALITY OF ANCHORAGE, a)
16 municipal corporation, WALTER MONEGAN,)
17 Officer HENIKMAN, and Officer J. VOSS,)
18 Defendants.) Case No. 3:05-cv-00273-JWS
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PLAINTIFF'S RESPONSE TO DEFENDANTS'
MOTION FOR EXTENSION OF TIME TO REPLY

Plaintiff Carolyn Mitchell opposes the Municipality's request for an extension of time to file a reply to her opposition to summary judgment. Given that the filing of a reply brief is optional under federal rules, Mitchell opposes the unnecessary delay in concluding the motion period for this case.

The Municipality's initial motion sought to completely dismiss Mitchell's claims before this court. As the moving party, the Municipality has a duty to act diligently in pursuing its motion. This court should be more lenient in granting extension when it is the nonmoving party seeking more time. However, Mitchell submitted her response to the Municipality's opposition to her motion for summary

judgment within the required time deadline. It seems only fair and just that the Municipality be required to also comply with the federal time lines for filing its response brief.

It is true that Mitchell's opposition brief to the Municipality's summary judgment motion was lengthy, and well cited. However, Mitchell, as the nonmoving party is seeking to retain her right to bring her case to trial. This purpose necessitates a thorough analysis of the issues, and research into the relevant case law. All the cases cited by Mitchell should have been familiar to the Municipality prior to filing its motion.

For the reasons above cited, and based on Mitchell being the nonmoving party in this matter, she opposes the extension of time requested by the Municipality.

Respectfully submitted this 1st day of June 2007.

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Certificate of Service

I hereby certify that on June 1, 2007 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification to the following:

Joyce Weaver Johnson

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

none.

Dated this 1st day of June, 2007, at Anchorage, Alaska.

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**PLAINTIFF'S OPPOSITION TO DEFENDANTS'
REQUEST FOR EXTENSION OF TIME**